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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 JEFFREY SIMON,
12 Plaintiff,
13 VS.

14 UNUM LIFE INSURANCE
15 COMPANY OF AMERICA AND THE
16 LIPMAN COMPANY DBA OPTI-
SOURCE;
17 Defendants.

CASE NO: 07-CV-02213 WDB
STIPULATION AND ~~PROPOSED~~
ORDER FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT

18 The parties, by and through their respective attorneys, hereby stipulate as follows:

19 Whereas, on or about April 27, 2007, plaintiff filed a Complaint in this action,
20 naming as a defendant "The Lipman Company Long Term Disability Plan" as a
21 defendant who was believed to be the Plan entity, responsible for obligations under his
22 employer's ERISA plan for disability benefits;

23 Whereas, plaintiff is now informed and believes that the proper name of the Plan
24 entity is "The Lipman Company dba Opti-Source" ;


25 Whereas, plaintiff desires to substitute the plan entity named herein as "The
26 Lipman Company Disability Plan," with the correct Plan entity, "The Lipman Company
27 dba Opti-Source," by filing a First Amended Complaint in this action, naming the correct
28 Plan entity; and

1 Whereas, the defendant who has been served and answered in this action,
2 Unum/Provident Corporation, has no objection to the amendment proposed by this
3 Stipulation. A copy of the Proposed First Amended Complaint is lodged together
4 herewith.

5 Now, therefore, the parties stipulate and agree, subject to the Court's approval that
6 plaintiff may file a First Amended Complaint in this action.

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9 DATED: 7/26, 2007

KANTOR & KANTOR, LLP

10 BY: 
11 Corinne Chandler
12 Attorneys for plaintiff

13 DATED: 7/26, 2007

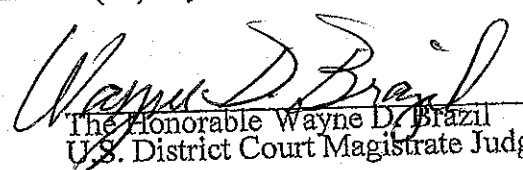
KELLY, FERLIHY & KLEIN, LLP

14 BY: 
15 Attorneys for defendant
16 John C. Ferry

17 ORDER

18 The Court having considered the Stipulation by the parties, and there appearing
19 good cause therefor, it is hereby ordered that plaintiff is granted leave to file her First
20 Amended Complaint. The previously named defendant, "The Lipman Company Long
21 Term Disability Plan" is hereby dismissed without prejudice. Plaintiff shall file and
22 serve her First Amended Complaint within ten (10) days after entry of this Order.

23
24 DATED: 7/30/07


25 The Honorable Wayne D. Brazil
26 U.S. District Court Magistrate Judge
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